

**AMENDMENTS TO THE CLAIMS**

The following listing of claims replaces all prior versions and listing of claims in the application:

Claims 1-41: CANCELLED

42. (New) An automotive safety apparatus for protecting a person located outside an automobile from impact with an external part of the automobile comprising:

a device configured to deflect the part of the automobile in a deflecting direction from a first position to a second position,

wherein after the device has deflected the part, the deflecting device is configured to oppose and control movement of the part in a direction counter to the first direction, and

wherein the deflecting device is configured to control movement of the part in the direction opposite to the first direction based upon the time of the impact, the location of the impact or the direction of the impact.

43. (New) The apparatus of claim 42, wherein the device permits a movement of the part counter to the deflecting direction only a predetermined time period after the deflection of the part of the external paneling.

44. (New) The apparatus of claim 42, wherein the device is configured to use gas pressure to deflect the part.

45. (New) The apparatus of claim 44, wherein the device is configured so that the pressure of the gas is controlled over time to decrease after deflection of the part.

46. (New) The apparatus of claim 45, wherein the device is configured so that the pressure of the fluid acting on the deflected part is reduced by discharging some of the gas.

47. (New) The apparatus of claim 46, wherein the device includes vent openings for discharging gas.

48. (New) The apparatus of claim 47, wherein the device is configured so that the size of the vent openings can be controlled.

49. (New) The apparatus of claim 42, wherein the deflecting device can be triggered pyrotechnically.

50. The apparatus of one claim 44, wherein the gas pressure is produced pyrotechnically.

51. (New) The apparatus of claim 42, wherein the deflecting device comprises an element which can be filled with fluid so that when the element is filled the element applies a force to the part.

52. (New) The apparatus of claim 42, wherein the deflecting device comprises a piston which can apply a force on the part.

53. (New) The apparatus of claim 52, wherein the piston is configured to receive a fluid for extending the piston.

54. (New) The apparatus of claim 42, wherein the deflecting device is lockable in order to prevent any movement of the part counter to the deflecting direction; and wherein the locking of the device can be released in response to the impact of the person against the part so that the part is permitted to move counter to the deflecting direction.

55. (New) The apparatus of claim 54, further comprising a hook for locking the device.

56. (New) The apparatus of claim 42, wherein the apparatus is configured so that the deflecting device can be moved counter to the deflecting direction only upon the impact of a body part of the person within a certain region of the part.

57. (New) The apparatus of claim 56, wherein the region surrounds a location on the part against which the device applies a deflecting force.

58. (New) The apparatus of claim 42, wherein the deflecting device includes an elastically or plastically deformable element.

59. (New) The apparatus of claim 58, wherein the device is configured so that when a person impacts against the part the elastically or plastically deformable element deforms to permit the part to move counter to the deflecting direction.

60. (New) The apparatus of claim 59, wherein the deformable element comprises a spring-elastic element.

61. (New) The apparatus of claim 59, wherein the deformable element comprises a flexible coupling element located between the deflecting device and the part.

62. (New) The apparatus of claim 59, wherein the deformable element comprises a telescopic element.

63. (New) The apparatus of claim 42, wherein the deflecting device is reversible, so that a movement of the part counter to the deflecting direction is made possible by a movement of elements of the deflecting device in a direction counter to the deflecting direction.

64. (New) The apparatus of claim 42, wherein the deflecting device can be moved counter to the deflecting direction only upon the impact of a body part of a person against a predetermined region of the part.

65. (New) The apparatus of claim 58, wherein the deformable element can be deformed only after an impact force is applied from a predetermined direction within a predetermined region of the part.

66. (New) The apparatus of claim 42, wherein device includes at least one element configured so that the deflecting device permits a movement of the part counter to the deflecting direction only upon an impact within a specified directional region of the part.

67. (New) The apparatus of claim 42, wherein the deflecting device includes a lever mechanism for deflecting the part of the external paneling.

68. (New) The apparatus of claim 42, wherein the deflecting device includes a movably guided traction mechanism for deflecting the part.

69. (New) The apparatus of claim 67, wherein the lever mechanism includes at least one lever which can be pivoted to deflect the part.

70. (New) The apparatus of claim 68, wherein the traction mechanism is configured to be tensioned to deflect the part.

71. (New) The apparatus of claim 70, wherein the device is configured so that in order to move the part counter to the deflecting direction a load is applied to the traction mechanism counter to its tensioning.

72. (New) The apparatus of claims 70, wherein the movement of the part counter to the tensioning of the traction mechanism is possible only upon an impact against the part within a specified directional region.

73. (New) The apparatus of claim 52, wherein a movement of the piston counter to the deflecting direction can be triggered only upon an impact against the part within a specified directional region.

74. (New) The apparatus of claim 42, wherein the deflecting device is coupled to an elastic element which pretensions the deflecting device in the deflecting direction.

75. (New) The apparatus of claim 74, further comprising a locking element which prevents a deflection of the part by the deflecting device.

76. (New) The apparatus of claim 75, wherein the locking element is configured to be released by the impact of a person against the part.

77. (New) The apparatus of claim 42, wherein the deflecting device is configured to be activated by a first impact of the person against the vehicle, so that the part of the external paneling is deflected.

78. (New) The apparatus of claim 77, wherein the device is configured to be activated when the force produced during the impact acts on the deflecting device.

79. (New) The apparatus of claim 42, wherein the deflecting device is configured to be activated based on a signal of a sensor coupled to the deflecting device.

80. (New) The apparatus of claim 42, wherein the part is formed by a flap of the motor vehicle.

81. (New) The apparatus of claim 80, wherein the flap is an engine hood or a trunk flap.

82. (New) The apparatus of claim 81, wherein the application point of the deflecting device is provided in the region of the end of the flap which faces the passenger compartment.